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VOL. IX.—NO. 20. HENRY KUHN, Nat'

FIRMNESS.

It Wins the Day Every Time.

Free Speech Vindicated.

SAN FRANCISCO, CAL., Aug. 1.—The firmness of the Socialists of this city in their defence of free speech, and the upholding of their rights to address meetings on the streets, has just won for them a signal victory.

For several years there has been going on a virtual wrestling match between the Party and the police of San Francisco. Some incidents of the struggle were humorous, others approached the tragic; and in between the two extremes, there were incidents of all shades. As a rule, the Socialists came off triumphant; but the bother of the thing—being hauled up in court, and dancing attendance upon police magistrates—was becoming a trifle fatigueing. Finally Chief Lees, who had made it his business all along, as a "forcible" would-be suppresser of Socialism, to harass the Socialists, overdid the thing. He corralled ten Socialists two weeks ago on various charges which he sought to justify by Section 416 of the Penal Code, which provides:

"If two or more persons assemble for the purpose of disturbing the public peace consulting any unlawful act and do not disperse on being desired or commanded to do so by a public officer, the persons so offending are guilty of a misdemeanor."

Anthony McGinty, Thomas Bersford and Pauline Horwitz were discharged by Judge Conlan, and Judge Mogan made a like disposition of the cases against Joseph O'Brien, William Edlin and G. B. Benheim.

Judge Conlan in dismissing the cases said:

"There is no law under which these people can be held. They certainly have the right of free speech, and no one can deny them this, which is granted to every American citizen. If the ideas of the police do not correspond with those of the Socialists in political policies, that is their personal business. They have conducted orderly meetings, listened to their speakers, and applauded their remarks. I will never convict any one because his religious and political beliefs do not coincide with mine. I will say this much, that were I the attorney for these people, I would resort to other measures to prevent them from being annoyed and continually thrown in jail. No police officer has a right to do it, and I will not tolerate it in my court. Free speech must be upheld under the Constitution of the United States. Cases dismissed."

Attorney King stated that he would immediately apply to the Superior Court for an order restraining the police from molesting the Socialists in the future.

Judge Mogan said: "The prosecution had no authority to enter a case or complaint under Section 416 of the Board of Supervisors against these people. This section states that when people assemble for purposes other than public meeting and obstruct the streets, they may be guilty of a misdemeanor, but when they do assemble for public meeting they are not guilty of any offense. I so held in the case of A. McGinty, arrested at Third and Market streets a year ago, for speaking on the corner. The evident intent of this ordinance is not to prevent public meetings, but to prevent riots, and certainly these defendants held a public meeting."

"Officer, do you know whether these people were disturbing the peace?"

"Well, they applauded the speaker and shouted," replied the guardian of the peace.

"I also," continued the court, "during election times have addressed district assemblies and have been applauded, and I will admit that I was pleased to get the applause. If these people have not the money to hire a hall, they can meet on the streets. Poverty is no offense. Cases dismissed. I hope the police will not arrest these people again, and if they do and these Socialists come to my court again I will again discharge them."

Judge Treadwell stated that he would make a similar disposition of these cases on his calendar arrested for this offence.

It is now hoped that Chief Lees will quit his persecutions, and lead his activity into new channels. Persecution won't deter Socialists, at least not S. L. P. men.

ITALIAN AGITATION.

Comrade Dino Rondini has successfully addressed Italian meetings in behalf of the S. L. P. in Newark, West Hoboken and Orange Valley, N. J.; New York; and Danbury, Conn. The Italians in Orange, N. J., have been organized. Rochester and Troy are about to be organized.

Sections located in towns where there is an Italian population should endeavor to secure Rondini, and obtain copies of "Il Proletario," Paterson, N. J., for distribution.

A Correction.

Ticket nominated by the late Maryland Convention of the S. L. P., as given in last week's issue, contained a mistake. The correct ticket is:

FOR GOVERNOR:
J. A. Rugemer.
FOR COMPTROLLER:
Robert W. Stevens.

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